

### **Remarks**

Claims 1 - 22 have been canceled from the present invention and rewritten as new claims 23 - 54 to more precisely claim the present invention. Claim 23 - 54 remain pending in the application.

### **Information Disclosure Statement**

The Examiner noted that the prior submitted Information Disclosure Statement (IDS) failed to comply with certain formal requirement. The references cited on the prior IDS along with a new reference are being submitted together with this Amendment. Applicant believes that this new IDS overcomes the objections noted by the Examiner.

### **Amendments to Specification**

The Examiner objected to the abstract as being a copy of claim 1. A new abstract is being submitted with this response to overcome this objection to the abstract. In addition, the title has been changed to reflect the scope of the new claims.

### **35 U.S.C. §101**

The Examiner rejected claim 11 (which is similar to new claim 33), under 35 U.S.C. 101 as being directed to a computer readable medium for indicia of the method, which is a non-statutory subject matter. The Applicant respectfully points out that this type of claim has been determined to cover patentable subject matter by the courts. See for example the decision in the case of In re Beauregard, 35 USPQ2d 1383 (1995). In view of the foregoing, the Applicant requests reconsideration and withdrawal of the rejection of any of the new claims 23-54 under 35 USC 101 as being directed to non-statutory subject matter.

### **35 U.S.C. §103**

Claims 1 -22 were rejected under 35 USC §103(a) as being unpatentable over Fong et al 6,678,867 and Jammes et al. 6,484,149. Claims 1 -22 are now canceled and new claims 23-54 have been added. With respect to new claims 23-54, the Applicant believes that the cited references, when combined, fail to teach or suggest all of the elements of the presently pending claims.

Therefore, under 35 USC §103(a) Fong 867 and Jammes 149 fail to teach the present invention as claimed in claims 23-54 and a notice of allowance is respectfully requested.

The Applicant has reviewed the other references cited the by Examiner and determined that they do not teach or suggest the present invention.

Conclusion


On the basis of the foregoing, Applicant respectfully submits that claims 23 - 54 are now believed to be in condition for allowance. Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

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